



U.S. Department of Justice

United States Attorney
Southern District of New York

*The Silvio J. Mollo Building
One Saint Andrew's Plaza
New York, New York 10007*

November 8, 2021

BY ECF

The Honorable Gregory H. Woods
United States District Judge
Southern District of New York
United States Courthouse
500 Pearl Street
New York, New York 10007

Re: United States v. Sepehr Sarshar, 21 Cr. 202 (GHW)

Dear Judge Woods:

The Government respectfully writes, pursuant to the Court's October 29 and November 4, 2021 orders (*see* Dkt. No. 69), to notify the Court of the remedy elected by the Government in light of the Court's ruling on the defendant's motion to dismiss the Indictment. During the October 29, 2021 conference, the Court held that the Indictment in this case "creates a threat of impermissible duplicity," and that, to "remedy this deficiency of the Indictment," the Government could "ask [the Court] to dismiss the Indictment and allow [the Government] to recharge" the defendant. Tr. at 129-30. By this letter, the Government respectfully requests that the Court "dismiss the Indictment" effective immediately, and "allow [it] to recharge [the defendant]" before Your Honor, if it so chooses, which, as the Court held "would give [the Government] the chance to think about the case and reindict it," (Tr. 145) if it so chooses.

The defendant consents to the remedy elected by the Government.

The parties are mindful that the Court requested a letter, due today, regarding the parties' proposed dates for a *Franks* hearing related to the Email Warrant. Dkt. No. 69. The Government respectfully submits that the relief requested by the Government in this letter obviates the need for such a hearing on the current schedule and, accordingly, the parties are not proposing dates for a hearing at this time.

Respectfully submitted,

DAMIAN WILLIAMS
United States Attorney

By: /s/
Daniel Tracer / Negar Tekeei
Assistant United States Attorneys
(212) 637-2329 / 2482

cc: All Counsel of Record (by ECF)